



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,695	09/20/2000	George Henry Dodd	013455.00009	7700

7590

06/03/2003

Charles N Quinn  
Centre Square Wear  
1500 Market Street 38th Floor  
Philadelphi, PA 19102

EXAMINER

PAK, JOHN D

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 06/03/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Notice of Abandonment

Application No.

09/509,695

Examiner

JOHN D PAK

Applicant(s)

DODD

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 05 November 2002.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

See Continuation Sheet

  
JOHN PAK  
PRIMARY EXAMINER  
GROUP 1000

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Item 7 - Other reasons for holding abandonment: On 5/30/03, Examiner Pak called Mr. Zaher to inform him that this case appears to be i abandoned status. Mr. Zaher stated that he never received the Office Communication of 11/5/02. It was discussed that Mr. Zaher's address has changed but no address change had been filed in this case. In any event, the Examiner stated that the proper procedure is (i the case must first be abandoned, and (ii) applicant may seek to revive, if appropriate. The Examiner faxed a copy of the Office Communication of 11/5/02 to Mr. Zaher (copy attached hereto).

DATE: May 30, 2003  
TO: ~~Richard~~ <sup>Alfred</sup> Zaher  
Cathy Kraijck  
FROM: Examiner J. Pak  
Tel: (703)308-4538  
Fax: (703)746-5167  
RE: 09/509,695

Please find in the next page a copy of the Office Communication of 11/5/02.

Ms. Kraijck has told me on 5/16/03 and 5/30/03 that you did not receive said Communication. Perhaps it did not get forwarded to your new address. Whatever the reason may be, the time period for a reply has expired and it appears that the case is abandoned. Revival of abandonment procedure is set forth in MPEP 711.03(c). If you proceed with that course of action, you should also file an address correction request since it appears that your address of record is incorrect.



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PAK, JOHN D

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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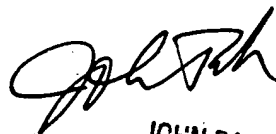
DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

The reply filed on 8/9/2002 is not in full compliance with 37 CFR 1.121 because of the following omission(s) or matter(s): there is no clean copy of claims 4 and 11 (clean copy means no underline or brackets unless such are intended to be part of the claim text). See 37 CFR 1.121(c) and 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Pak whose telephone number is (703) 308-4538. Applicant is invited to telephone the Examiner to arrange for a fax reply (fax number: (703)308-7924) to complete the response. The Examiner, if given advance notice, can arrange to personally accept the fax and expedite the further handling of this case. The Examiner can normally be reached on Monday through Friday from 7:30 AM to 4 PM. The Examiner will be on extended leave from 11/11/02 to 11/15/02. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1235.

  
JOHN PAK  
PRIMARY EXAMINER  
GROUP 1600